

PLEASE TAKE NOTICE that upon their accompanying Memorandum of Law dated March 24, 2010, and the exhibits thereto, and all prior pleadings and proceedings in this action, Defendants Roush Publications, Inc., Gerald L. Roush, Cavallino, Inc., and John W. Barnes, Jr. (“Defendants”) will move this Court before the Honorable Miriam Goldman Cedarbaum, U.S.D.J., at the United States Courthouse, 500 Pearl Street, Courtroom 14A, New York, New York, 10007, on April 22, 2010, at 9:30 AM, for an order pursuant to Fed. R. Civ. P. 12(b)(6) and 12(f), striking portions of the First Amended Complaint against Defendants and dismissing the First Amended Complaint against Defendants in its entirety, and with prejudice.

Dated: New York, New York
March 24, 2010

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